IN RE: PETITION FOR ADMIN. VARIANCE

S/S of Cold Spring Road, 165' E

of Chestnut Road

15th Election District

5th Councilmanic District

(1105 Cold Spring Road)

Jeanette G. & Charles L. Ayres

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-374-A

* * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Jeanette G. and Charles L. Ayres, property owners, for that property known as 1105 Cold Spring Road in the eastern area of Baltimore County. The Petitioners herein seek a variance from Sections 400.2 and 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) as applied per policy Section 400.1.d.(2) (if necessary), to permit a proposed accessory structure (garage) to have a height of 19 ft. in lieu of the permitted 15 ft. and a street centerline setback of 25 ft. in lieu of the required 75 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation contained in the case file. Based upon the information available, there is no evidence in the file to indicate that the requested administrative variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted.

In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that the relief requested sufficiently complies with

the requirements of Sections 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the B.C.Z.R. As of the date of this Order, DEPRM has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9^{ik} day of April, 2002, that the Petitioners' request for Administrative Variance seeking relief from Sections 400.2 and 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) as applied per policy Section 400.1.d.(2) (if necessary), to permit a proposed accessory structure (garage) to have a height of 19 ft. in lieu of the permitted 15 ft. and a street centerline setback of 25 ft. in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt
 of this Order; however, Petitioners are hereby made aware that proceeding at this time
 is at their own risk until such time as the 30 day appellate process from this Order has
 expired. If, for whatever reason, this Order is reversed, the Petitioners would be
 required to return, and be responsible for returning, said property to its original
 condition.
- 2. Compliance with any Zoning Advisory Committee (ZAC) recommendations submitted by DEPRM to minimize any effect the proposed development might have on the Bay and its tributaries.

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- 3. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning dated March 22, 2002, a copy of which is attached hereto and made a part hereof.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

He feet was a second



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 9, 2002

Mr. & Mrs. Charles L. Ayres 13113 Sanfield Road Baldwin, Maryland 21013

> Re: Petition for Administrative Variance Case No. 02-374-A Property: 1105 Cold Spring Road

Dear Mr. & Mrs. Ayres:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours, Luthy Notroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1105 COLD SPRING ROAD BALTO. MD. 21220 which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400, 2 BCZR, 1AO4.3. B. 2 AS APPLIED PER POLICY SECTION 400. [. J. Q.) (IFNECESSARY). TO PERMIT A PROPOSED ACCESSOR) BUNDING (GARAGE) WITH A 19 FT. HT. IN LIEU OF THE PERMITTED 15. FT. AND A STREET CENTERLINE SETBACK OF 25 FT IN LIEU OF THE THE REQUIRED 75 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adepted pursuant to the zoning law for Baltimore County.

•	,		I/We do solemnly declar perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	ne penalties of property which
Contract Purchase	r/Lessee:		Legal Owner(s):		
Name - Type or Print			JEANETTE G Name - Type or Print	RACE AYRES	·
Signature			Signature Br	ace agres	
Address		Telephone No.	CHARLES LEV Name - Type or Print	NIS AYRES	
City	State	Zip Code	Glarles Lei Signature	ira Clyres	
Attorney For Petition	oner:		13113 SANFIELE Address	ROAD 4	10-592-952 Telephone No.
Name - Type or Print	······································		BALDW/N City	M). State	2/013 Zip Code
Signature			Representative to L	e Contacted:	
Company			CHARLES LEW Name	IS AYRES	
Address		Telephone No.	1313 SANFIELD	ROAD 410)-592-9524 Telephone No
City	State	Zip Code	BALDWIN City	Mb. State	21013 Žip Čode
uito XI uavoi	_ [[]	ar the subject matter of t	required, it is ordered by the Z his petition be set for a public hea	oning Commissioner of aring, advertised, as req	f Baltimore County, uired by the zoning
regulations of Baltimore Cour	nty and that the proper	rty be reposted.			
	- 374 N		٧.	oner of Baltimore Count	y
CASE NO	- 2/1 F		iewed By JL	_ Date <u> </u>	3/02
ar v 10/25/01		ESU	mated Posting Date <u>\$</u>	11100	<u>, </u>

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	1105 COLL	SPRING	80
	Address BAKTI MORE	MO State	2/270 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon whi		
VARIANCE AGAINST WILL BE 8/12 TO MA	TCH EXISTING	HOUSE. 8/1	2 PITCH
WILL ALSO ALLOW Truss. A 28' WIDE WILL PUT US ABOVE	E BUILDING A	WITH A 8/1	
Can not locate ga 75' would place g	irage to me	et RC5 s	et Back of Land.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	additional information.		
Signature JEANETTE GAGE AYRE Name - Type or Print	Signature Signature Name - Type	RIES LEWIS A	YRES
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 31d day of 70 of Maryland, in and for the County aforesaid, per JEANETE GRACE AYR the Affiant(s) herein, personally known or satisfa	Narch, 34 rsonally appeared ES and CHAI	 RLES LEWI	lotary Public of the State
AS WITNESS my hand and Notarial Seal			
	Notary Public	mm Consta	UNTINO IN CONSTANTINO

My Commission Expires

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 13, 2003

REV 10/25/01

ZONING DESCRIPTION FOR 1105 COLD SPRING ROAD

314

CLA

BEGINNING AT A POINT ON THE SOUTH SIDE OS COLD SPRING ROAD WHICH IS 20 FEET WIDE AT THE DISTANCE OF 122 FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET CHESTNUT ROAD WHICH IS 20 FEET WIDE. *BEING LOT* 21 IN THE SUBDIVISION OF BOWLEYS QUARTERS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 1, FOLIO # 12 CONTAINING .48 ACRES. ALSO KNOWN AS 1105 COLD SPRING ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

CASHIER'S VALIDATION	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
	FOR: KON 1911 MALL
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PAYMENT ACTIVITY TIME TIME STATE STA	

CERTIFICATE OF POSTING

	RE: Case No.: 02-374-A
	Petitioner/Developer: CharLES
	+JEANETTE AYRES
	Date of Hearing/Closing: 4/i/oz
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	·
Ladies and Gentlemen:	
This letter is to certify under the penalties of were posted conspicuously on the property	of perjury that the necessary sign(s) required by law located at
	Rd
44-24-2	
The sign(s) were posted on	3/17/02
	(Month, Day, Year)
The proposition is a second	Sincerely,
	3/17/02
	(Signature of Sign Poster and Date)
	SSG ROBERT BLACK
	(Printed Name) 1508 Lealie Rd
The second section of the second section secti	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940 (Telephone Number)
	(1 cachnone tampos)

DEPARTMENT F PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

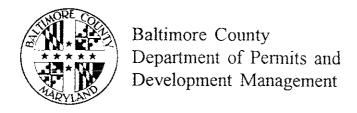
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number 02 374 A
Petitioner x AYRES
Address or Location. * 1105 COLD SPRING ROAD
PLEASE FORWARD ADVERTISING BILL TO
Name & CHARLES L. AYRES
Address * 13113 SANFIELD ROAD
2 BALDWIN, MD. 21013
*
Telephone Number <u>y 40-592-9524</u>

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	-		_				
Case f	Number 02-	374	-A	Address	1105 Ca	CD SPRING	· RD.
			CEW(S			Phone Number:	
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) (]	(whether due commissione changed givir	e to a neigh r), notification ng notice of	bor's formal r in will be forw the hearing da	equest or varded to te, time an	by order of you. The sign discription of the sign of t	at must go to a the zoning or o gn on the prop s when the sign red sign must be	deputy zoning perty must be was originally
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 1, 2002

Mr. & Mrs. Charles L Ayres 13113 Sanfield Road Baldwin MD 21013

Dear Mr. & Mrs. Ayres:

RE: Case Number: 02-374-A, 1105 Cold Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 08, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, J.

W. Carl Richards, Jr. 6>7
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 17, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 25, 2002 Item No (374)

The Bureau of Development Plans Review has reviewed the subject zoning item.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential development.

The flood protection elevation for this site is 11.2 feet.

The building's engineer shall require a permit for this project.

Building shall be designed and adequately anchored to present flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirements of BOCA International Building Code adopted by the County.

RWB:CEN:cab

cc: File

ZAC-3-25-2002-ITEM 374-04172002.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

March 18, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 18, 2002

Item No.: 360-366, 368, 370-377

Dear Ms. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley RSS TOT
DATE:	April 16, 2002
SUBJECT:	Zoning Item 374 Address 1105 Cold Spring Road
Zoning	g Advisory Committee Meeting of 3/18/02
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
	If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
X	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	Additional Comments:
	See attached comments.

Reviewer: Kieth Kelley Date: 4/16/02

CBCA Zoning Comments (Zoning Item # <u>374</u>)

X The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA).
This proposal must use best management practices, which reduce pollutant loadings by 10%
Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.
X Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.
X Mitigation is required if exceeding the 25% impervious surface limit. Impervious surface are limited to 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.
X If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.
$\frac{X}{\text{size.}}$ 15% forest must be established or maintained. This equates to $\frac{3}{\text{size}}$ trees for a lot of this
Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.
X All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.
If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.
A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tidal wetlands.
A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

WER 2 2

DATE: March 22, 2002

SUBJECT:

1105 Cold Spring Road

INFORMATION:

Item Number:

02-374

Petitioner:

Jeanette Grace Avers

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a proposed accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted height of 15 feet provided said structure is not used for dwelling purposes at any time. This office also supports the request to permit a setback from the street centerline of 25 feet in lieu of the minimum required 75 feet.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 3.19.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 374

JL

Dear, Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. f. Doller

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

To Conne Fix 02-314-A

Applicant has confirmed flood plain
regulation compliance with Plans
review, I advised that since
they stated there would be some
seemed floor strage that they reconfirm
with Jose in 120

Henris 3/08/02 File with Stem# 374

I CHARLES L. AYRES LIVE 5 MONTHS

A YEAR AT 13113 SANFIELD ROAD BALDWIN, MD.

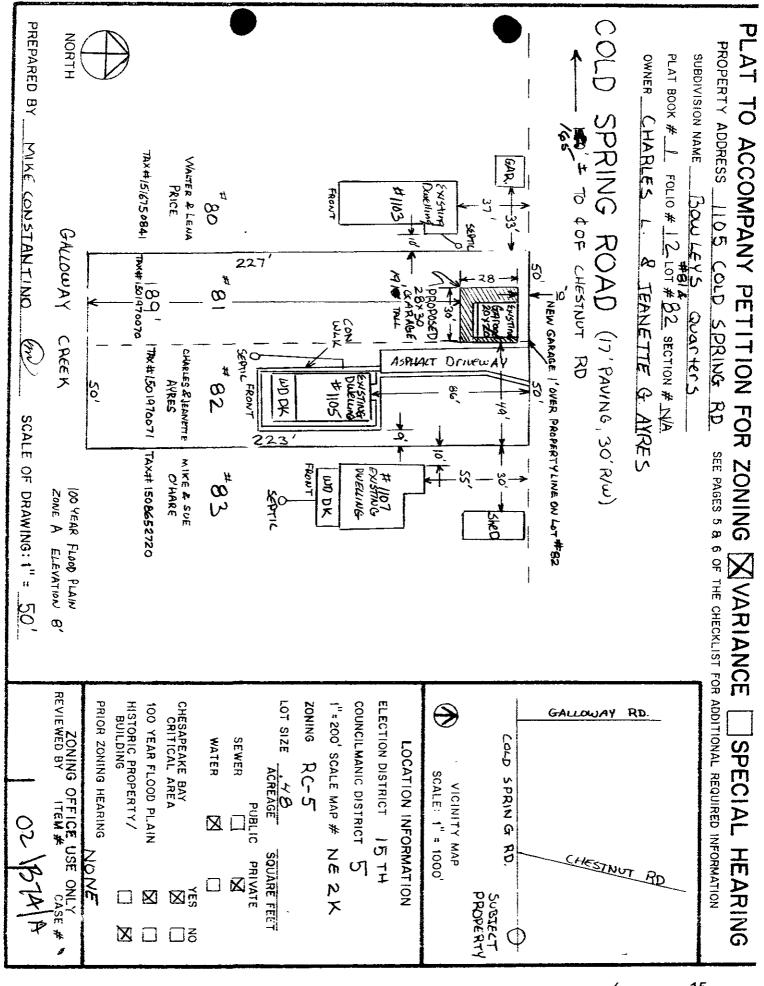
AND AT 1105 COLD SPRING ROAD 7 MONTHS

A YEAR IN THE SUMMER MONTHS.

Rarles L. Ayres 3/8/02

Julie ann Constantino

JULIE ANN CONSTANTINO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 13, 2003

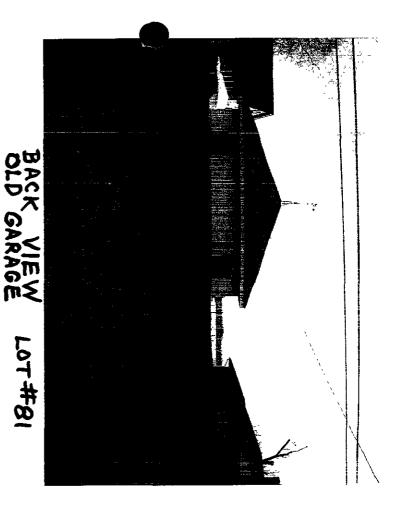


Det. E. #1

FIRM MAP 0445 Flood Zone A-10 Elev. = 8 /t. 000'993 O 5,000 N 538,000 PIERS 🧸 SHEET 2, X (H) PIERS 品口口品 PIERS PIERS RC.5 QUARTERS PIERS LOCATION BOWLEYS PIERS SITE BURKE HER HER SPRING ! | = 200, | SCALE DATE R.C. 20 100 TAWOLLAD <u></u> 口 R.C.5 B 1 PIERS NA N PIERS PIERS 4 Way PIERS

SIDE VIEW LOT#81

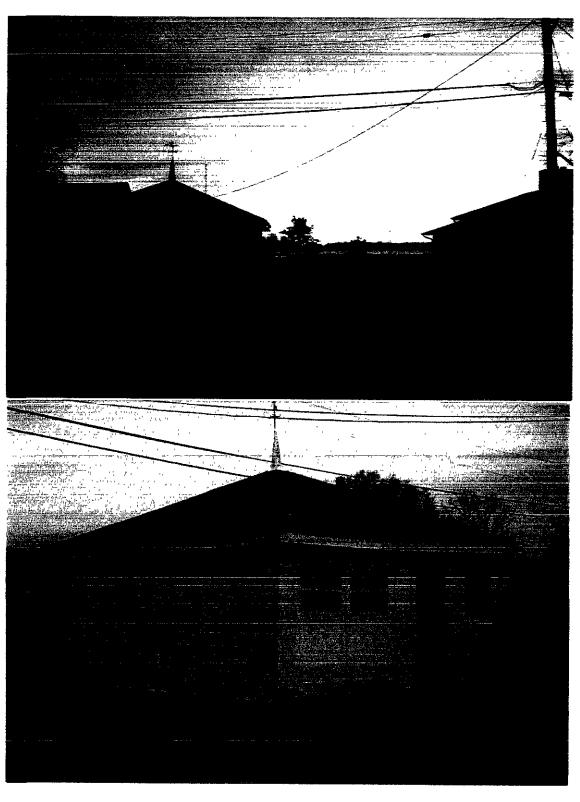






FRONT VIEW
OLD GARAGE
LOT #81

S A BACK VIEW OLD GARAGE LOT #81



SIDE & FRONT VIEW OLD GARAGE ON LOT #81

BACK

OF

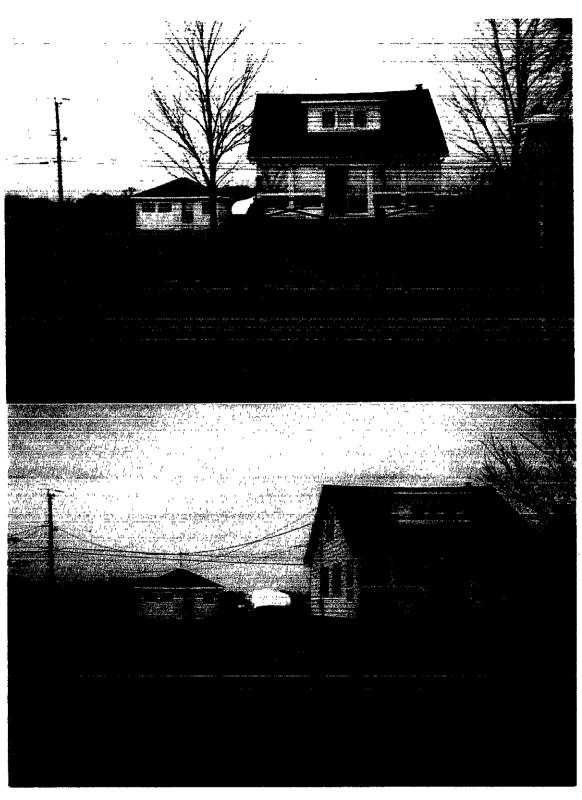
HOUSE

LOT

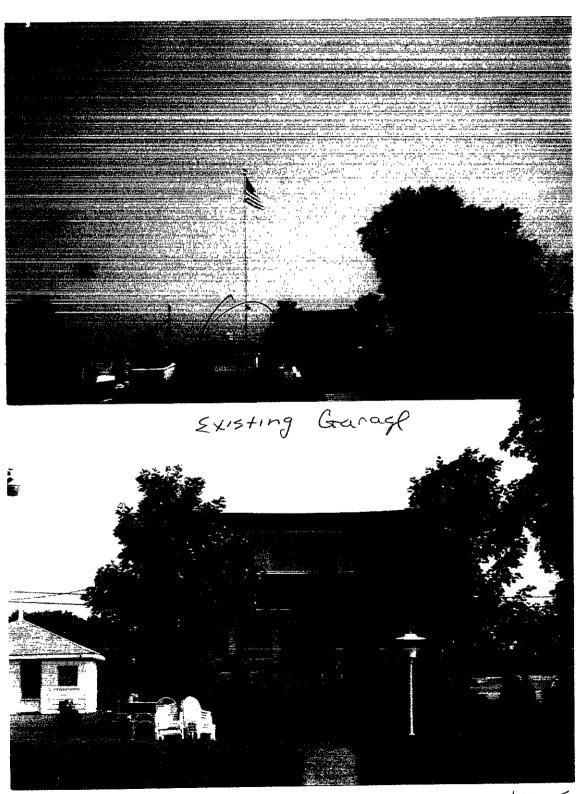
#82

FRONT VIEW LOT#81

SIDE OF HOUSE LOT #82



FRONT VIEW LOT#81 & LOT#82



7

Front of House from Water SiDE